

June 7, 2013

Sharon L. Summers  
Division of Social Services  
1901 North DuPont Highway  
P. O. Box 906  
New Castle, DE 19720-0906

**RE: DSS Final Case Administration Regulation [16 DE Reg. 1191 (May 1, 2013)]**

Dear Ms. Summers:

The Governor's Advisory Council for Exceptional Citizens (GACEC) commented on the proposed version of this regulation (16 DE Reg. 927) in March, as did the State Council for Persons with Disabilities (SCPD). The GACEC letter is attached for your reference. The GACEC letter contained comments not contained in the SCPD memo; however, only the comments in the SCPD commentary were addressed. We believe this may be based on the impression that the SCPD and GACEC comments were co-terminus. Though this is often the case, it is not always true so we ask that our letters be read in their entirety to ensure that all comments are addressed. Since our comments were not addressed earlier, we would like to reiterate them here.

In paragraph 3 of our letter in reference to section 1003.5, Council requested DHSS consider adding a Paragraph 5.0 to include a notification requirement to be sent to the last known address of the person whose records are being released.

Paragraph 6, Council noted that §1006 Paragraph 4 states that "Staff do not discriminate against any person on the grounds of race, color, national origin, age, sex, disability, political belief, religion, or any other form of discrimination." Council asked that the underlined phrase (...or any other form of discrimination.) be added to the end of each list referencing non-discriminatory practices in order to be consistent in the following sections: 1006.1 Paragraph 2, 1006.4 Paragraph 1 and 1007.3

Also, in §1006.4 Paragraph 3, the reference to "he" is problematic. Council suggested substituting "the Civil Rights Coordinator" for "he".

In §1007 Paragraph 1, Council suggested changing to the following: Complaints must be submitted in writing within 180 days of the alleged discriminatory act as otherwise provided and applicable in the Federal Regulations.

As mentioned earlier, our letters are often very similar but may have differences so we respectfully ask that you read our comments in their entirety to ensure our concerns are addressed.

Thank you in advance for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss should you have any questions.

Sincerely,

Terri A. Hancharick  
Chairperson

TAH:kpc

Enclosure